

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD TODD YORK, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
v.                     ) 1:25-cv-291  
                        )  
                        )  
LESLIE DISMUKES,    )  
                        )  
                        )  
Respondent.         )

**ORDER**

On April 25, 2025, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 5, 6.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 5), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner filing a new petition which corrects the defects of the current Petition.

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of

appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 20th day of June, 2025.

William L. Ostan, Jr.  
United States District Judge